

MERCURY.1CP1C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Amir Weinberg, et al.) Group Art Unit: 2155
Appl. No. : 09/315,795)
Filed : May 21, 1999)
For : Software System and Methods)
for Identifying and Displaying)
Modifications to Web Sites)
Examiner : Thu Ha Nguyen)

#19
LSD
1-23-03

RECEIVED

DEC 19 2002

Technology Center 2100

BOARD OF PATENT APPEALS
AND INTERFERENCES

2002 DEC 18 PM 4: 25

RECEIVED

REQUEST FOR REINSTATEMENT OF APPEAL

Board of Patent Appeals and Interferences
Washington, D.C. 20231

Dear Sir:

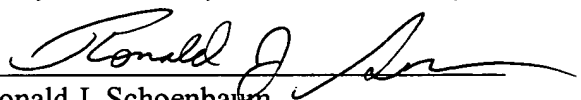
In response to the Office Action mailed on September 24, 2002 in the above-referenced application, Appellants hereby request reinstatement of the appeal pursuant to 37 C.F.R. 1.193(b)(2)(ii). A Supplemental Appeal Brief is submitted herewith to address the new grounds for rejection.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-12-02

By:


Ronald J. Schoenbaum
Reg. No. 38,297
Attorney of Record
Customer No. 20,995

H:\DOCS\ROS\ROS-4903.DOC
121202

Case Docket No. MERCURY.1CP1C1

Date: December 12, 2002

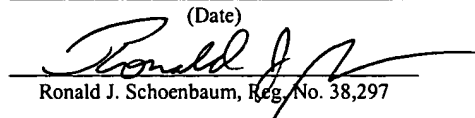
Page 1

In re application of : MERCURY.1CP1C1
Appl. No. : 09/315,795
Filed : May 21, 1999
For : SOFTWARE SYSTEM
AND METHODS FOR
IDENTIFYING AND
DISPLAYING
MODIFICATIONS TO
WEB SITES
Examiner : Thu Ha Nguyen
Art Unit : 2155

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Board of Patent Appeals and Interferences, United States Patent and Trademark Office, P.O. Box 2327 Washington, D.C. 20231, on

December 12, 2002

(Date)


Ronald J. Schoenbaum, Reg. No. 38,297

RECEIVED

DEC 19 2002

Technology Center 2100

BOARD OF PATENT APPEALS
AND INTERFERENCES

2002 DEC 18 PM 4:25

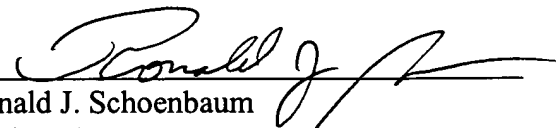
RECEIVED

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
WASHINGTON, D.C. 20231
Sir:

Transmitted herewith in triplicate is a Supplemental Appeal Brief to the Board of Patent Appeals together with:

- (X) A Request for Reinstatement of Appeal; and
- (X) A return prepaid postcard.

If applicant has not requested a sufficient extension of time and/or has not paid any other fee in a sufficient amount to prevent the abandonment of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge our Deposit Account No. 11-1410 for any fee which may be due. Please credit any overpayment to Deposit Account No. 11-1410.


Ronald J. Schoenbaum
Registration No. 38,297
Attorney of Record
Customer No. 20,995
(949) 760-0404

#19

MERCURY.1CP1C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Amir Weinberg, et al.)	Group Art Unit: 2155
Appl. No.	:	09/315,795)	RECEIVED
Filed	:	May 21, 1999)	DEC 19 2002
For	:	Software System and Methods for Identifying and Displaying Modifications to Web Sites)	Technology Center 2100
Examiner	:	Thu Ha Nguyen)	

RECEIVED
2002 DEC 18 PM 4:26
BOARD OF PATENT APPEALS
AND INTERFERENCES

SUPPLEMENTAL APPEAL BRIEF
PURSUANT TO 37 C.F.R. § 1.192

Board of Patent Appeals and Interferences
Washington, D.C. 20231

Dear Sir:

This Supplemental Appeal brief is being submitted in accordance with 37 C.F.R. 1.193(b)(2)(ii) to address the new grounds for rejection raised in the Office Action mailed on September 24, 2002. Appellants are concurrently submitting a Request for Reinstatement of Appeal.

Appellants hereby incorporate by reference the following sections from their original Appeal Brief:

- I. Real Party in Interest
- III. Status of the Claims
- IV. Status of Amendments
- V. Summary of the Invention
- VII. Grouping of Claims
- VIII. Argument (subsection A only, involving separate patentability of claim groups)
- Appendix

Appl. No. : 09/315,795
Filed : May 21, 1999

A. RELATED APPEALS AND INTERFERENCES

The appeal in U.S. Appl. No. 09/610,909, mentioned in Appellants' original Appeal Brief, is no longer pending.

B. NEW BASIS FOR REJECTION

In the Office Action dated September 24, 2002, the Examiner rejected all of the pending claims as being anticipated under section 102(e) by U.S. Patent No. 6,366,933 to Ball et al. (hereinafter "Ball et al.") Appellants' representative discussed the new grounds for rejection by telephone on December 9, 2002, but no agreement was reached as to the patentability of the claims.

Although not explicitly stated in the new Office Action, Appellants assume the Examiner has withdrawn the obviousness rejection of the pending claims.

C. ISSUES PRESENTED ON APPEAL

The following issue is presented:

Whether Claims 28-35 and 44-70, as grouped into Groups 1-4 in Appellants' original Appeal Brief, are anticipated by Ball et al.

D. ARGUMENT

1. DISCUSSION OF NEW REFERENCE RELIED ON BY EXAMINER

For purposes of this Appeal, Appellants will treat Ball et al. as prior art. Appellants reserve the right to later disqualify Ball et al. as prior art.

Ball et al. discloses a system that provides a service for notifying users of changes made to specific web pages or other documents. A user wishing to monitor changes made to a particular web page initially adds that web page to his or her "hot list," causing the service to copy the web page to an archive. Thereafter, the service periodically checks the page to see if any changes have been made. If changes are detected, the service copies the revised document, or alternatively the changes made to the document, to the archive. Different versions of the same web page are thus effectively added to the archive over time.

Appl. No. : 09/315,795
Filed : May 21, 1999

When a user accesses a hot listed page through the service, the service provides the user with an option to view a comparison document, such as the document shown in Figure 4. This comparison document displays changes made to the document, including both additions and deletions. The comparison document is generated using a program called HTMLDIFF, based on the information stored in the archive. In one embodiment, the service also logs a user's accesses to hot listed pages, and presents a customized view showing those changes that have been made to a page since the particular user last accessed the page.

Ball et al. also discloses several possible variations to the service. One such variation involves extending the modification-tracking functionality to pages that are referenced by a page in the user's hot list.

The system disclosed in Ball et al. differs from Appellants' preferred embodiment in a number of significant respects. For example, in contrast to Appellants' system, the system of Ball et al. does not provide an efficient mechanism for a webmaster, or other web site manager, to monitor changes made to a web site as a whole. In this regard, web sites of the type monitored by Appellants' system commonly have many hundreds or thousands of pages and links. To monitor such a web site using the system of Ball et al., the webmaster would apparently have to go through the tedious task of creating a hot list that references all of the pages of the web site. Even if the webmaster were to do so, the system of Ball et al. apparently would not notify the webmaster of new pages that are added to the web site. Appellants' system avoids these problems in part by crawling or scanning the subject web site to identify the nodes and links of the web site.

Another significant difference is that the system of Ball et al. requires the actual content of the monitored web pages to be copied into an archive. In contrast, Appellants' system identifies changes made to a web site without the need to store copies of web pages in an archive (although the invention does not preclude such archiving of the web pages). Specifically, each time the web site is scanned, Appellants' program generates a data structure which represents the nodes and links of the web site, without the need to store copies of the relevant pages. For each node detected during the scanning process, the node's "date of last modification" is preferably stored in the data structure, so that changes made to existing nodes can be detected. To identify changes made to the web site between two points in time, the data structure representing the web

Appl. No. : 09/315,795
Filed : May 21, 1999

site at one point in time is compared to the data structure representing the web site at a second point in time, without the need to compare the actual web pages.

Ball et al. also fails to disclose the generation of a graphical site map that illustrates changes made to a web site, as required by some of Appellants' claims. Instead, the Ball et al. system simply presents a list of the nodes (URLs) that have changed (see Figure 3B), without depicting the location of such nodes within a site map.

In addition, Ball et al. does not disclose scanning a web site automatically according to a pre-defined schedule. Further Ball et al. does not disclose a mapping module that presents the user an option to display or conceal each of the following types of objects within a site map: new nodes, modified nodes, deleted nodes, unmodified nodes, new links, deleted links, and unmodified links.

2. DISCUSSION OF THE ISSUES ON APPEAL

For the reasons set forth below, Appellants respectfully submit that the claims of Groups 1-4 are not anticipated by Ball et al.

a. Ball et al. does not disclose every limitation of any claim in Group 1.

In order to anticipate a claim, a reference must disclose all of the limitations of that claim. As set forth below, Ball et al. does not disclose every limitation of any independent claim. (Group 1 contains all of the independent claims of the application.) The rejections of the Group 1 claims are therefore improper.

Limitations related to scanning the Web site

All of the independent claims in Group 1 include language specifying that the web site is scanned in order to generate some form of representation of the web site. The term "web site" is defined at the top of page 9 of the present application in-part as "a database or other collection of inter-linked hypertextual documents ("web documents") and associated data entities...." Thus, a single web page is not a "web site" within the meaning of the claims.

Ball et al. does not disclose scanning a web site in order to generate a representation of the web site. In this regard, periodically checking specific web pages referenced in a user's hot list does not constitute "scanning a web site." As mentioned above, an important benefit of scanning a web site, in the context of tools for analyzing changes to a web site, is that it allows nodes and links of the web site to be identified automatically. Thus, changes to the web site are

Appl. No. : 09/315,795
Filed : May 21, 1999

detected without the need for users to create and maintain hot lists, and new nodes are detected automatically.

Limitations involving comparing web site representations

All of the claims in Group 1 also recite limitations involving comparing web site representations (e.g., data structures) to identify modifications made to the web site over a period of time. Applicants respectfully submit that these limitations are not disclosed by Ball et al.

For example, with respect to independent Claim 28, Ball et al. does not disclose "comparing the first data structure to the second data structure to identify modifications that were made to the web site between the first and the second points in time." In this regard, merely monitoring specific web pages referenced in a hot list to determine whether these pages have been modified, and detecting the changes made to such pages, does not constitute "comparing the first data structure to the second data structure to identify modifications that were made to [a] web site between the first and the second points in time."

With respect to independent Claim 36, Ball et al. does not disclose "comparing the current representation [of a web site] to a prior representation on a node-by-node and link-by-link basis to identify the modifications."

With respect to independent Claim 45, Ball et al. does not disclose "a comparison module which compares representations of the web site generated by the scanning module at different times to identify modifications made to the web site."

With respect to independent Claim 63, Ball et al. does not disclose "comparing the first data structure to the second data structure to identify changes made to the web site between the first and the second points in time."

Limitations involving graphical map

All of the independent claims of Group 1 also include limitations related to the generation of a graphical map in which at least some of the modifications made to the web site are highlighted or otherwise represented. Ball et al. does not disclose the use of such a map. Rather, Ball et al. appears to merely disclose displaying a list of the URLs within a hot list that have changed, and the display of a comparison document showing changes made within specific documents.

Although the claims of Group 1 stand rejected solely over Ball et al., the Examiner took the position that an article titled "WeBGUIDE: Querying and Navigating Changes in Web

Appl. No. : 09/315,795
Filed : May 21, 1999

Repositories" discloses some of the map-related limitations recited in the Group 1 claims, particularly at section 4 and Figure 4 of the article. To the extent the Examiner may be taking the position that the WebGUIDE article further explains the system disclosed in Ball et al., Appellants respectfully disagree, as the two references appear to disclose different systems and methods. If the Examiner's position is that certain claims are anticipated or rendered obvious by the WebGUIDE article, she is respectfully requested to make a corresponding rejection.

In summary, because Ball et al. does not disclose all of the limitations of any independent claim, the claims of Group 1 are not anticipated by Ball et al.

b. Ball et al. does not disclose every limitation of any claim in Group 2.

The Group 2 claims (nos. 38, 46 and 67) depend from respective independent claims of Group 1. The rejections of the Group 2 claims are therefore improper for the same reasons as set forth above for corresponding Group 1 claims.

In addition, all of the Group 2 claims further require identification or representation of at least the following types of web site modifications: new nodes, new links, modified nodes, deleted nodes, and deleted links. Ball et al. does not disclose the identification or representation of all of these types of web site modifications. For example, as mentioned above, the service disclosed in Ball et al. does not appear to identify or represent the new nodes that have been added to a web site. Thus, the rejection of the Group 2 claims over Ball et al. is improper regardless of whether the corresponding independent claims were properly rejected.

c. Ball et al. does not disclose every limitation of any claim in Group 3.

The Group 3 claims (nos. 34, 42, 43, 48 and 49) depend from respective independent claims of Group 1. The rejections of the Group 3 claims are therefore improper for the same reasons as set forth above for corresponding Group 1 claims.

In addition, all of the Group 3 claims require that the web site be scanned automatically according to a pre-defined schedule. This feature is desirable because, among other reasons, a user may forget to initiate scanning of the web site at appropriate time intervals. In addition, the time required to scan a large web site may be significant, requiring the user to wait when the scanning is initiated manually.

Ball et al. does not disclose this feature. In this regard, periodically checking specific hot-listed web pages to see if they have changed is not the same as scanning a web site automatically

Appl. No. : 09/315,795
Filed : May 21, 1999

according to a pre-defined schedule. Thus, the rejection of the Group 3 claims is improper regardless of whether the corresponding independent claims were properly rejected.

d. Ball et al. does not disclose every limitation of any claim in Group 4.

The Group 4 claim (no. 51) depends indirectly from independent Claim 45 of Group 1. The rejection of Claim 51 is therefore improper for the same reasons as set forth above with respect to Claim 45.

In addition, Claim 51 specifies that the claimed "mapping module" presents the user an option to display or conceal each of the following types of objects within a site map: new nodes, modified nodes, deleted nodes, unmodified nodes, new links, deleted links, and unmodified links. Because Ball et al. does not disclose this feature, the rejection of Claim 51 is improper regardless of whether Claim 45 whether the Group 1 claims were properly rejected.

E. CONCLUSION

For the reasons set forth above, Appellants submit that the anticipation rejection of Claims 28-35 and 44-70 is improper, and request that the rejection be reversed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-12-02

By: Ronald J. Schoenbaum
Ronald J. Schoenbaum
Reg. No. 38,297
Attorney of Record
Customer Number 20,995

H:\DOCS\ROS\ROS-4900.DOC
121102